

James J. Ficenec (SBN - 152172)
SELLAR, HAZARD, McNEELY & MANNING
A Professional Law Corporation
1111 Civic Drive, Suite 300
Walnut Creek, CA 94596
Telephone: (925) 938-1430
Facsimile: (925) 256-7508
Email: jficenec@sellarlaw.com

Attorneys for:

Plaintiffs Professional Care Management, Inc. dba
Belinda M. Designs, and Belinda McNeely

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PROFESSIONAL CARE MANAGEMENT, INC.
dba BELINDA M. DESIGNS, and BELINDA
McNEELY,

Case No.: C 05-02452 SI

NOTICE OF SETTLEMENT

Plaintiffs,

vs.

CITY OF WALNUT CREEK,

Defendant.

Plaintiff hereby provides the Court notice that the parties have agreed to settle this action and are presently working on a written settlement agreement to fully document the terms of the settlement. The parties request that the court vacate the trial date and set this matter for review or conditional dismissal in 30 days.

DATED: March 29, 2006

SELLAR, HAZARD, McNEELY & MANNING



JAMES J. FICENEC
Attorney For Plaintiffs Professional Care Management,
Inc. dba Belinda M. Designs, and Belinda McNeely

PROOF OF SERVICE

I, Kristin Metler, declare:

I am employed in the County of Contra Costa, California in the offices of a member of the Bar of this Court, at whose direction this service was made. My business address is 1111 Civic Drive, Suite 300, Walnut Creek, California. I am over the age of eighteen years and not a party to this action.

On the date given, I served the following document(s):

NOTICE OF SETTLEMENT

in the case entitled: Professional Care Management, Inc., et al. v. City of Walnut Creek, et al., UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, Case No. C 05-02452 SI, on all interested parties through their attorneys of record by placing a true and correct copy thereof addressed as shown on the attached service list, as designated below

(SEE ATTACHED SERVICE LIST)

xx BY FIRST CLASS MAIL (C.C.P. §§1013A, et seq.):
I caused said document(s) to be deposited in the United States Mail in a sealed envelope with postage fully prepaid at Walnut Creek, California, following the ordinary practice at my place of business of collection and processing of mail on the same day as shown on this declaration.

BY FACSIMILE (C.C.P. §§1012.5, et seq)
I served such document(s) by fax to the fax number(s) provided by each of the parties in this litigation at Walnut Creek, California. I received a confirmation sheet indicating said fax was transmitted completely.

OVERNIGHT DELIVERY
I caused such envelope to be delivered to the addresses identified on the attached service list by means of an overnight delivery service pursuant to California Code of Civil Procedure Section 1013

BY PERSONAL SERVICE
I delivered such envelope by hand to the offices of the addressee.
Messenger Service: ONE HOUR DELIVERY

BY ELECTRONIC SERVICE (C.C.P. §187):
I caused said document to be served using LexisNexis File & Serve/One Legal File & Serve.

I declare under the penalty of perjury, under the laws of the United States of America, that the above is true and correct.

DATED: March 29, 2006


Kristin Metler

1 **Case Name:** Professional Care Management, Inc., et al. v. City of Walnut Creek, et al.
2 **Case No.:** UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA
3 Case No. C 05-02452 SI

4 Jennifer A. Phillips
5 McNamara, Dodge, Ney, Beatty, Slattery &
6 Pfalzer LLP
Post Office Box 5288
Walnut Creek, CA 94596

Attorney For: Defendant City of Walnut Creek
Telephone: (925) 939-5330
Facsimile: (925) 939-0203